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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

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METZ et al.

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Serial No.: 10/810352

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Filed: March 26, 2004

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Atty. File No.: 2997-49

)

For: "PUFA POLYKETIDE SYNTHASE  
SYSTEMS AND USES THEREOF"

)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION  
DISCLOSURE STATEMENT

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
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SHERIDAN ROSS P.C.

BY:

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the  
Examiner.

- Copies of the cited non-patent and/or foreign references are enclosed herewith.
- Copies of the cited U.S. patents and/or patent applications are enclosed herewith.
- Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.
- Copies of the cited references are not enclosed, in accordance with 37 CFR 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. 10/124,800, filed April 16, 2002, which is relied upon for an earlier filing date under 35 U.S.C. § 120.
- To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. \_\_\_\_\_ filed \_\_\_\_\_

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

### FEES

<input checked="" type="checkbox"/>	<p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or</li> <li><input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or</li> <li><input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or</li> <li><input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114.</li> </ul> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p><b>37 CFR 1.97(c):</b> The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ol style="list-style-type: none"> <li>(1) a final action under 37 CFR 1.113 or</li> <li>(2) a notice of allowance under 37 CFR 1.311, or</li> <li>(3) an action that otherwise closes prosecution in the application.</li> </ol> <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A Certification (below) as specified by 37 CFR 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.</li> </ul>
<input type="checkbox"/>	<p><b>37 CFR 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 CFR 1.97(e)</li> <li>AND</li> <li><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 CFR 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</li> </ul>

**Certification (37 CFR 1.97(e))**  
(Applicable only if checked)

The undersigned certifies that:

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 CFR 1.97(e)(1).

A copy of the communication from the foreign patent office is enclosed.

OR

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this statement. 37 CFR 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: \_\_\_\_\_



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Date: February 3, 2005

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 2997-49	SERIAL NO. 10/810,352
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANT METZ et al.	
		FILING DATE March 26, 2004	GROUP ART

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*FEB 07 2005*  
*U.S. PATENT & TRADEMARK OFFICE*

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	1	5,246,841	9/21/93	Yazawa et al.	435	134	
	2	5,639,790	6/17/97	Voelker et al.	514	552	
	3	5,672,491	9/30/97	Khosla et al.	435	148	
	4	5,683,898	11/4/97	Yazawa et al.	435	136	
	5	6,033,883	3/7/00	Barr et al.	435	148	
	6	6,140,486	10/31/00	Facciotti et al.	536	23.2	
	7	6,566,583	5/2003	Facciotti et al.	800	281	
	8	2004/0005672	1/2004	Santi et al.	435	76	
	9	2005/0014231	1/20/05	Mukerji et al.	435	75	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	10	WO 93/23545	11/25/93	PCT				
	11	WO/96/21735	7/18/96	PCT				
	12	WO 98/46764	10/22/98	PCT				
	13	WO 98/55625	12/12/98	PCT				
	14	WO 00/42195	7/2000	PCT				
	15	EP0823475A1	2/11/98	EPO				

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

16	Abbadi et al., <i>Eur. J. Lipid Sci. Technol.</i> , 103:106-113 (2001)
17	Allen et al., <i>Appl. Envir. Microbiol.</i> , 65(4):1710-1720 (1999)
18	Bateman et al., <i>Nucl. Acids Res.</i> , 30(1):276-280 (2002)
19	Bentley et al., <i>Annu. Rev. Microbiol.</i> , 53:411-46 (1999)
20	Bisang et al., <i>Nature</i> , 401:502-505 (1999)

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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*FEB 07 2005*

PATENT & TRADEMARK OFFICE

21	Bork, <i>TIG</i> , 12(10):425-427 (1996)
22	Brenner, <i>TIG</i> , 15(4):132-133 (1999)
23	Broun et al., <i>Science</i> , 282:1315-1317 (1998)
24	Creelman et al., <i>Annu. Rev. Plan Physiol. Plant Mol. Biol.</i> , 48:355-81 (1997)
25	DeLong & Yayanos, <i>Appl. Environ. Microbiol.</i> , 51(4):730-737 (1986)
26	Doerks, <i>TIG</i> , 14(6):248-250 (1998)
27	Facciotti et al., "Cloning and Characterization of Polyunsaturated Fatty Acids (PUFA) Genes from Marine Bacteria" in Proceedings of the international symposium on progress and prospect of marine biotechnology (China Ocean Pres 1999), pp. 404-405 Abstract
28	Heath et al., <i>J. Biol. Chem.</i> , 271(44):27795-27801 (1996)
29	Hopwood & Sherman, <i>Annu. Rev. Genet.</i> , 24:37-66 (1990)
30	Hutchinson, <i>Annu. Rev. Microbiol.</i> , 49:201-238 (1995)
31	Jostensen & Landfald, <i>FEMS Microbiology Letters</i> , 151:95-101 (1997)
32	Katz & Donadio, <i>Annu. Rev. Microbiol.</i> , 47:875-912 (1993)
33	Keating et al., <i>Curr. Opin. Chem. Biol.</i> , 3:598-606 (1999)
34	Kyle et al., <i>HortScience</i> , 25:1523-26 (1990)
35	Magnuson, <i>Microbiol. Rev.</i> , 57(3):522-542 (1993) Abstract
36	Metz et al., <i>Science</i> , 293:290-293 (2001)
37	Nakahara, <i>Yukagaku</i> , 44(10):821-7 (1995)
38	Nasu et al., <i>J. Ferment. Bioeng.</i> , 122:467-473 (1997)
39	Nichols et al., <i>Curr. Opin. Biotechnol.</i> , 10:240-246 (1999)
40	Nogi et al., <i>Extremophiles</i> , 2:1-7 (1998)
41	Parker-Barnes et al., <i>PNAS</i> , 97(15):8284-8289 (2000)
42	Sánchez et al., <i>Chemistry &amp; Biology</i> , 8:725-738 (2001)
43	Shanklin et al., <i>Annu. Rev. Plant Physiol. Plant Mol. Biol.</i> , 49:611-41 (1998)
44	Smith et al., <i>Nature Biotechnol.</i> , 15:1222-1223 (1997)
45	Somerville <i>Am. J. Clin. Nutr.</i> , 58(2 supp):270S-275S (1993)
46	Van de Loo, <i>Proc. Natl. Acad. Sci. USA</i> , 92:6743-6747 (1995)
47	Watanabe et al., <i>J. Biochem.</i> , 122:467-473 (1997)
48	Yalpani et al., <i>The Plant Cell</i> , 13:1401-1409 (2001)
49	Yazawa, <i>Lipids</i> , 31(supp):S297-S300 (1996)

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